

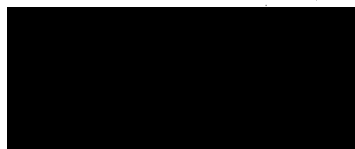
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



Office: HELENA

Date: MAY 27 2004

IN RE:

Obligor:

Bonded Alien



IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Helena, Montana, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on August 23, 2001, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above reference alien. An order of the immigration judge (IJ) dated August 21, 2001, was issued granting the alien voluntary departure in lieu of removal on or before October 21, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On September 13, 2002, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 30 days from the date of the order. On November 6, 2003, the alien petitioned for review of the BIA's decision before the 9th Circuit Court of Appeals. On December 3, 2003, the 9th Circuit Court of Appeals dismissed the alien's petition for review. On February 3, 2004, the field office director concluded the bond had been breached.

The appeal has been filed by the bonded alien's attorney. The alien and the attorney are without standing in this proceeding.

An immigration bond is a contract between ICE and the obligor. The obligor or his attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).

The regulations provide that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee ICE has accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

ORDER: The appeal is rejected.